

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SELENA STALEY, VIVIAN HOLMES, and OLIVE  
IVEY, on behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

FSR INTERNATIONAL HOTEL INC. d/b/a FOUR  
SEASONS HOTELS AND RESORTS, HOTEL 57  
SERVICES, LLC, HOTEL 57, LLC, TY WARNER  
HOTELS & RESORTS, LLC, and H. TY WARNER

Defendants.  
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Case No.: 22-CV-6781 (JSR)

**DECLARATION OF  
CATHY HWANG**

I, Cathy Hwang, pursuant to 28 U.S.C. § 1746, state and declare as follows:

1. I am the Vice President, Treasurer and Secretary of defendants Hotel 57 Services, LLC and Hotel 57, LLC, and I am the Chief Financial Officer for Ty Warner Hotels & Resorts, LLC. I have held this position since 2020. I have personal knowledge of the facts set forth in this Declaration.

2. I submit this declaration in support of Defendants Hotel 57 Services, LLC, Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC and H. Ty Warner's Motion for Summary Judgment dated May 31, 2024.

3. The Four Seasons Hotel New York is a landmark 52-story, I.M. Pei designed, 5-star hotel located at 57 East 57<sup>th</sup> Street in New York City (the "Hotel").

4. Hotel 57 Services, LLC, Hotel 57, LLC and Ty Warner Hotels & Resorts, LLC are separate and distinct companies.

5. Hotel 57 Services, LLC is a Delaware limited liability company.

6. The sole member of Hotel 57 Services, LLC is Hotel 57 Holdings, LLC, a limited liability company organized under the laws of Delaware.

7. Hotel 57 Services, LLC has an employment contract with its non-union workers at the Hotel (including Selena Staley, Vivian Holmes and Olive Ivey) that set out the required terms and conditions of employment of its non-union employees who work at the Hotel. This employment contract is titled U.S. EmPact<sup>SM</sup> Employee Handbook, revised February 1, 2018, and is referred to as the “EmPact Agreement”.

8. Hotel 57 Services, LLC is the employer signatory to the EmPact Agreement.

9. Neither Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC or H. Ty Warner is a signatory to the EmPact Agreement.

10. Neither Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC or H. Ty Warner has any employment relationship with Hotel 57 Services, LLC’s non-union employees at the Hotel.

11. Hotel 57 Services, LLC is (and has been since January 2020) the employer of a majority of the union workers at the Hotel.

12. Hotel 57 Services, LLC has union contracts (collective bargaining agreements) that set out the required terms and conditions of employment of its union employees who work at the Hotel.

13. Hotel 57 Services, LLC’s union employees are not covered by the terms of the EmPact Agreement.

14. Hotel 57 Services, LLC’s non-union employees are not covered by the terms of any union contract.

15. Neither Hotel 57, LLC, Ty Warner Hotels & Resorts, LLC or H. Ty Warner has any employment relationship with Hotel 57 Services, LLC’s union employees at the Hotel.

16. Hotel 57, LLC is a Delaware limited liability company.

17. The sole member of Hotel 57, LLC is Hotel 57 Holdings, LLC, a limited liability company organized under the laws of Delaware.

18. Hotel 57, LLC is the owner of the Hotel building and property.

19. Hotel 57, LLC does not employ any employees.

20. Hotel 57, LLC is a signatory to a hotel management agreement with the Hotel's operator, FSR International Hotels, Inc., which manages the Hotel.

21. Ty Warner Hotels & Resorts, LLC is a Delaware limited liability company.

22. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in the Hotel.

23. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in Hotel 57, LLC

24. Ty Warner Hotels & Resorts, LLC does not have (and never had) an ownership interest in Hotel 57 Services, LLC.

25. Ty Warner Hotels & Resorts, LLC is not a signatory to a hotel management agreement with respect to the Hotel, the EmPact Agreement or any union contract covering Hotel 57 Services, LLC's union employees working at the Hotel.

26. On March 20, 2020, the Hotel temporarily closed to outside guests because of the impact of New York State Executive Orders and the unprecedented health and safety issues, risks and restrictions and national emergency presented by the COVID-19 global pandemic -- including the shutdown of travel and demand for hotel accommodations.

27. The Hotel's continued closure beyond March 20, 2020 was due to the impact of COVID-19 on its operations and long-term effects on the luxury hotel business.

28. After the Hotel closed to outside guests on March 20, 2020 as a result of COVID-19, the Hotel underwent significant renovations and improvements intended to make the Hotel an even more desirable destination as it had always been and to enhance the ability to reopen the Hotel safely and profitably in the future given the impact of the COVID-19 pandemic and its long-term effect on the luxury hotel business.

29. Selena Staley, Vivian Holmes and Olive Ivey all maintain their right to recall to their employment with Hotel 57 Services, LLC at the Hotel when the Hotel reopens.

30. I declare under the penalty of perjury that the foregoing is true and correct.

Dated: May 30, 2024

  
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Cathy Hwang